

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ERIC DOUGLAS POWERS,**

Plaintiff,

V.

**RANDALL MATHENA, ET AL.,**

Defendants.

Case No. 7:20CV00520

## OPINION

By: James P. Jones  
United States District Judge

*Eric Douglas Powers, Pro Se Plaintiff.*

The plaintiff, Eric Douglas Powers, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. The court's initial Order in the case, ECF No. 5, notified Powers of his responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. Clearly, the court must have a viable address by which to communicate reliably with Powers about this case.

On June 10, 2021, the court mailed Powers a copy of an Order, ECF No. 68, denying his motion for additional response time. The court's mailing was returned as undeliverable to Powers at the address he had provided. The returned envelope

indicated that no forwarding address was available. Since that date, the court has had no further communication from Powers

Based on Powers's failure to comply with the court's Order regarding the need to update his mailing address, the court will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: August 18, 2021

/s/ James P. Jones

United States District Judge